

## **REMARKS**

### **Status of the claims**

Claims 12-18, 28 -30, 33 and 36 are pending in the present application. Claims 1-11, 19-26-27, 31, 32 and 34 have been cancelled. Claims 12-14, 16, 28-30 and 35 have been amended. New claim 36 has been added. No new matter has been added by way of the above amendments.

Entry of the foregoing and favorable reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. Section 1.112, and in light of the remarks which follow, are respectfully requested.

By the present amendment, withdrawn claims 1 to 8 and 19 to 26 have been canceled, as being directed to a non-elected invention. Currently pending claims 9 to 11, 31, 32 and 34 have been canceled. Claim 27, which was skipped in the claim numbering of the previously filed amendment has been indicated as cancelled for completeness of the claims. Claims 12 to 14, 16, 29, 30, 34 and 35 have been amended to further clarify the present invention. Claim 28 has been amended for clerical purposes to have the sequence reference in proper format. Applicants submit that no new matter has been added via these amendments.

### **Rejections under 35 U.S.C. §112, 2<sup>nd</sup> paragraph**

Claims 11, 13, 14, 31 and 33 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite. This rejection should be obviated by amendment to the claims.

More specifically, Claim 11 has been canceled; Claims 12, 13 and 29 have been amended to recite “a full length complementary sequence.”

Therefore, in view of the above, withdrawal of this rejection is respectfully requested.

### **Rejections under 35 U.S.C. §112, 1<sup>st</sup> paragraph**

Claims 9 to 18 have been rejected under 35 U.S.C. §112, first paragraph as lacking enablement. This rejection should also be rendered moot via the amendment to the claims.

More specifically, Claims 9 to 111 have been canceled; Claim 13 has been amended to delete the 80% sequence identity solely to expedite the prosecution of this application and not to acquiesce to the Examiner's rejections. Applicants reserve their right to file a continuation application on the canceled subject matter.

Therefore, in view of the above, withdrawal of this rejection is respectfully requested.

Applicants acknowledge that Claims 28 to 35 are allowed.

From the foregoing, favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact MaryAnne Armstrong, Ph.D., Reg. No. 40,069 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By ma  
MaryAnne Armstrong, Ph.D.  
Registration No.: 40,069  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant